

# SJI News

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## Board Awards First 50-50 Project Grant

Montana AOC, NCSC, and SJI Combine Forces to Measure Workload

Defying the dire predictions of doom-sayers, SJI just awarded its first Project Grant under the new dollar-for-dollar cash match requirement. The Montana Administrative Office of the Courts, the National Center for State Courts, and SJI combined to fund a \$82,453 workload assessment that will drive budget and resource allocation decisions at Montana district courts for years to come. It was exactly this sort of consortium formation that Congress hoped to achieve when it applied the dollar-for-dollar match to SJI Project and Continuation Grants.

Jim Oppedahl, Montana Court Administrator, described the project as "an enormously important step for Montana courts". "The Montana District Court Workload Assessment Study", he said, "will provide Montana policy makers with their first-ever systematic analysis of judicial workloads and a set of measurement tools that will significantly improve our ability to justify the human resources necessary for the timely processing of court business."

Workload assessments are a



*Pictured above: Toole Co. C.H., MT*

forte of the National Center, according to Laura Klaversma, Court Services Operations Manager. The Center has been conducting them for the past decade. Ms. Klaversma told e-SJI News' roving reporter that "cases in the state courts vary in complexity. Different types of cases require different amounts of time and attention from judicial officers. Focusing on raw case counts without allowing for differences in the amount of work associated with each case type creates an opportunity for the misperception that equal numbers of cases filed for two different case types result in an equivalent amount of work

for the court. Therefore, a method that can reliably account for the differences in the workload generated across various case types is necessary to accurately determine the judicial officers needed to handle the entire court caseload. This study will provide the Montana courts with meaningful and easily understandable criteria for determining overall judicial officer requirements, taking into consideration both case-related and non-case-related job functions."

This grant was all the more exciting for being reconsidered and re-awarded by the SJI Board on the fly and out of cycle. A miscommunication resulted in Montana's application being submitted, considered, and awarded as a Technical Assistance Grant. After follow up consultation, the application was modified, re-reviewed, and re-approved as a Project Grant. This sort of dynamism is exactly what is needed under the new cash match regime. To fully exploit oft-fleeting matching opportunities, SJI must be nimble and flexible.

### Meet The Institute Staff



Ryan Williams  
Program/Finance Manager

Upon obtaining an honorable discharge from the U.S. Marine Corps with the rank of sergeant E-5, I attended the University of the District of Columbia for the next five years in Business Management and Accounting. After graduation, I worked in the general accounting field for about sixteen years. For the last four years, I worked as a Real Estate agent. During my stint as a real estate agent, I began taking classes on non-profit companies, grants, proposal writing and budgeting. The opportunity to work with SJI followed and I welcome the chance to work and grow from the side of the Grantor. I still enjoy doing real estate contracts, but more so as a part-time hobby.

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## JERITT Crisis Averted... For Now



Rumors of a December 22, 2005 shutdown of the Judicial Education Reference, Information, and Technology Transfer (JERITT) Project proved premature, as frequent users of the system already know. It turns out that JERITT had sufficient carryover from its current grant to continue operating until April 1, 2006. SJI swiftly approved the grant adjustment necessary to allow the carryover to be spent beyond the project end date. The SJI Board will consider JERITT's latest Continuation Grant application during its next Board meeting in early March.

Reacting to the news, Liz Strong, President of the National Association of State Judicial Educators (NASJE), stated, "The NASJE Board wishes to thank SJI for granting the no-cost extension to Michigan State University that allows JERITT to offer basic services to the courts, in particular judicial branch education. NASJE looks forward to the opportunity to work with SJI and others to help find additional sources of funding to support the services that JERITT has provided."

It is finding those additional sources of funding for JERITT that remains the overarching problem. SJI must soon pass the baton to others. Yet, as Dr. Conner noted in her latest application:

"Other funding sources have been pursued throughout the years. Those organizations did not have the interest or the mandate to track and analyze the judicial branch education and training provided to judges and court personnel across the country. They also did not have an organizational mission of improving the state trial courts and the relationship between the state and federal courts."

As a result, "[n]o other source will fund JERITT." The task we and our strategic partners have set for ourselves is changing that reality before time runs out in fiscal year 2007.

## NJEP Releases Updated *Understanding Sexual Violence* Curriculum

by Lynn Hecht Schafran  
National Judicial Education Program\*

Rape and sexual assault trials are among the most difficult and sensitive for the courts. Victims often say that the trial was more traumatizing than the assault. Judges responding to a recent survey reported that compared to other cases, sexual offense trials are "more difficult . . . to preside [over] from a legal and technical standpoint, a personal and emotional viewpoint, and a public scrutiny and public pressure perspective." [see Bumby & Maddox]

To assist judges in meeting this challenge, SJI in the early '90s funded the National Judicial Education Program

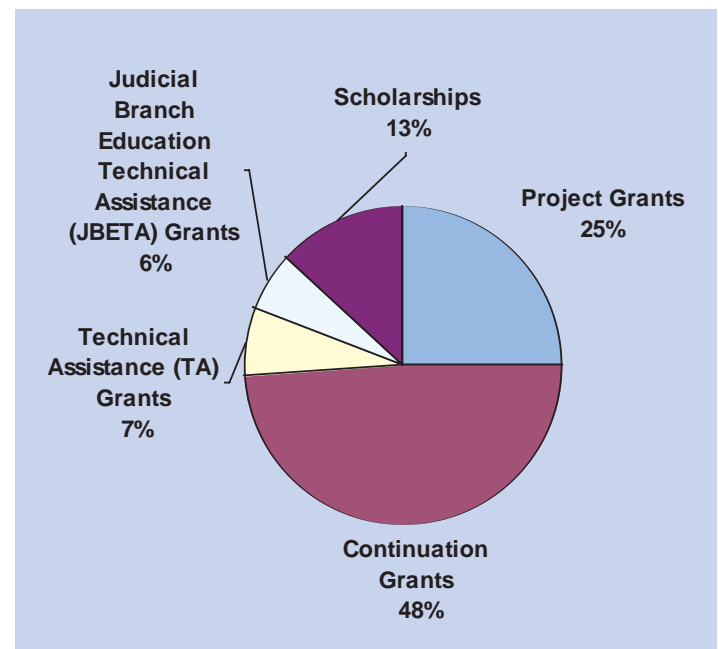
(NJEP) to develop an interactive model judicial education curriculum titled *Understanding Sexual Violence: The Judicial Response to Stranger and Nonstranger Rape and Sexual Assault*. Now, after a decade in which the curriculum has been presented across the country to positive response, SJI funding has enabled NJEP to create a new, updated version of *Understanding Sexual Violence* that reflects the experience of these ten years and includes new research and new issues.

A principal reason sexual assault trials are so problematic is that sexual violence is a profoundly misunderstood crime. The purpose of *Understanding Sexual Violence* is to dispel the myths surrounding this crime, demonstrate how stereotyped thinking undermines the fair administration of justice and suggest ways that judges can preside more effectively in these cases while maintaining their neutrality. Like the ori-

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## Program: Where Did It Go?

Save modest set-asides for the small grant programs, the SJI Board considers applications and distributes funds on a "first come, first served" basis. Fiscal year (FY) 2005 produced some interesting, and more than likely anomalous, results. The breakdown of FY 2005 awards by grant type follows:



The average Continuation Grant application was almost three times as large as the average Project Grant application, resulting in a peculiar Project to Continuation Grant ratio that is unlikely to be repeated in FY 2006. We "underburned" the TA Grant set-aside by 56% and "overburned" the JBETA Grant and Scholarship set-asides by 14% and 16% respectively. The sharp drop in TA Grants was due to an inexplicable decline in the quality of TA Grant applications (a problem also reported by a sister federal agency). Possible remedies are being considered.

## Understanding Sexual Violence (cont. from page 2)

ginal curriculum, the updated version provides extensive social science research about nonstranger sex offenders, who are by far the majority; sex offender sentencing and treatment; how different victims react during and after the assault (rape-related post-traumatic stress disorder); and jurors' attitudes towards rape. It then explores how this research relates to judges' responsibilities in the pre-trial, trial and sentencing phases of a rape or sexual assault trial, and how judges can minimize retraumatization of victims without undermining defendants' rights.

*Understanding Sexual Violence* is intended to be adapted by judges and judicial educators for their own jurisdictions. The new version includes updated content and a revised format. The new content includes:

- faculty development materials specifically designed for the judicial faculty facilitating the large and small group exercises for this program;
- guidance in selecting and preparing national experts on offenders and victims and local experts who can talk about local practices and resources;
- a segment on the neurobiology of trauma and its implications for rape victims and trials;
- a presentation on sexual assaults against specific populations, with sexual assaults against Native American women as the model;
- consideration of new evidentiary issues, such as admissibility of forensic sexual assault examination findings, with detailed guidance on developing local law materials;
- a panel of jurors from recent, local nonstranger sexual assault trials to enrich the presentation on research on sexual assault jurors;
- suggestions on conducting a *voir dire* that minimize retraumatizing the many survivors of sexual assault in the jury pool;
- a discussion of local codes of judicial conduct in the context of judges' community outreach on this topic;
- recommendations for using the information in the curriculum made by judges from more than twenty states who participated in NJEP programs; and,
- NJEP's DVD version of the curriculum, *Understanding Sexual Violence: The Judge's Role in Stranger and Nonstranger Rape and Sexual Assault Trials*, which includes an extensive annotated, searchable database, [www.njep.org/usv.dvd](http://www.njep.org/usv.dvd). Optimally, participants in the program will be provided with their own copies of the DVD for future reference. At a minimum they can be referred to the website for their own future research.

The updated *Understanding Sexual Violence* curriculum is completely reorganized to make it easier and less expen-

sive for states to present the program. The materials for the Participant's Binder - the curriculum case study, exercise work sheets, handouts, model expert slides, etc. - are no longer embedded in their respective units, but are in individual appendices. One appendix provides detailed guidance on preparing the Participant's Binder, including the table of contents from one of NJEP's presentations.

While the original curriculum included hundreds of pages of readings that made the Participants' Binder expensive to reproduce, the new version provides these supporting materials on the DVD and its associated website.

A copy of the updated curriculum has been provided to each state's director of judicial education and to each SJI State depository library. Additional copies and additional information may be obtained by contacting the National Judicial Education Program at [njep@legalmomentum.org](mailto:njep@legalmomentum.org); 212/925-6635.

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